

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop Interference
P. O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

FAXED

**WALTER G. FISHER, ERIC A. WACHTER
and H. CRAIG DEES,
Junior Party,
(Patent No. 5,829,448)**

JAN 13 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v .

**PARAS N. PRASAD, JAYANT D. BHAWALKAR,
GUANG S. HE, CHAN F. ZHAO
and JAROSLAW ZIEBA,
Senior Party
(Application 09/265,625)**

Patent Interference No. 105,133

Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

On January 8, 2004, senior party Prasad filed a paper requesting entry of adverse judgment. The request is **granted**. It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against senior party PARAS N. PRASAD, JAYANT D. BHAWALKAR, GUANG S. HE, CHAN F.

Interference No. 105,133
Fisher v. Prasad

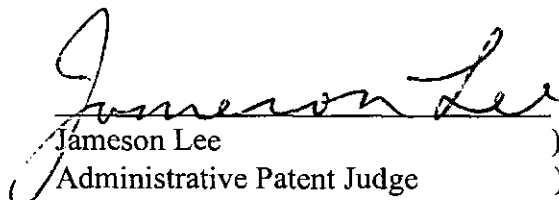
ZHAO and JAROSLAW ZIEBA;


FURTHER ORDERED that senior party PARAS N. PRASAD, JAYANT D. BHAWALKAR, GUANG S. HE, CHAN F. ZHAO and JAROSLAW ZIEBA is not entitled to its application claims 290-310 and 313-320 which correspond to Count 1;

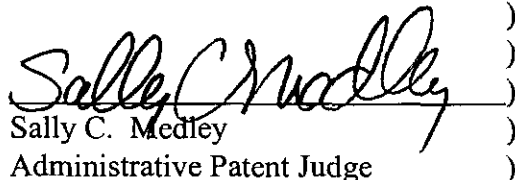
FURTHER ORDERED that to the extent the senior party desires to abandon claims additional to those corresponding to the count, it shall take that up with the primary examiner after termination of the interference;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.


Jameson Lee
Administrative Patent Judge


Sally Gardner Lane
Administrative Patent Judge


Sally C. Medley
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,133
Fisher v. Prasad

By Facsimile

Counsel for Senior Party Prasad:

585-263-1600 (Fax)
Michael L. Goldman, Esq.
1300 Clinton Square
Rochester, New York 14604

Counsel for Junior Party Fisher:

312-236-8576 (Fax)
Edward D. Manzo, Esq.
COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, Ltd.
200 W. Adams Street, Suite 2850
Chicago, Illinois 60606